

Federal Communications Commission

Docket No. 93-231 Exhibit No. exp-15

Presented by exp. fee

Disposition { Identified FEB 02 1994
Received ✓ 2/4/94
Rejected _____

Reporter over (exp. fee) [signature]

FEB 02 1994

RADIO STATION LICENSE

Licensee Name: **CAPITOL RADIO TELEPHONE INC**
DBA CAPITOL PAGING

Radio Service: **IB BUSINESS**

Call Sign: **WNDA400**

File Number: **9101017358**

License Issue Date: **910404**

License Expiration Date: **960404**

Frequency Advisory No: **910150107**

Number of Mobiles by Category: Vehicular - **10** Portable - *****Aircraft - *****Marine - *****Pagers*****

910404M 598 1 1Z

CAPITOL RADIO TELEPHONE INC DBA
CAPITOL PAGING
J MICHAEL RAYMOND
1420 KANAWHA BLVD E
CHARLESTON WV 25301

Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	461.15000	FB2	1	20K0F3E	90.000	250.000	940	200	38-22-36	081-42-09
2:	466.15000	MO	10	20K0F3E	75.000					
3:	466.15000	FX1	1	20K0F3E	15.000					
TRANSMITTER STREET ADDRESS						CITY			COUNTY	STATE
1:	800 BLK NEASE DR 900' N 7TH AVE					CHARLESTON			KANAWHA	WV
3:										WV
AREA OF OPERATION										
SITE 2: WV VIC:KANAWHA COUNTY										
PAINTING AND LIGHTING SPECIFICATIONS										
SITE 1: SEE ATTACHED FORM 715/715A PARAGRAPHS:						1	3	11	21	
CONTROL POINTS:1420 KANAWHA BLVD E CHARLESTON WV										
CONTROL POINT PHONE: 304-345-3792										
EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S)										
SET OUT IN PART 2 OF THE COMMISSION'S RULES.										

PAGE 1 OF 1



**FEDERAL
COMMUNICATIONS
COMMISSION**

This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTION: 800 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within one year.

000002

RADIO STATION LICENSE

Licensee Name: **CAPITOL RADIOTELEPHONE INC**

DBA CAPITOL PAGING

Radio Service: **IB BUSINESS**

License Issue Date: **910508**

Call Sign: **WNSX646**

File Number: **9102018410**

License Expiration Date: **960508**

Frequency Advisory No: **910140200**

Number of Mobiles by Category: Vehicular - ***** Portable - ***** Aircraft - ***** Marine - ***** Pagers ***500*
910509M 417 1 1Z

**CAPITOL RADIOTELEPHONE INC DBA
CAPITOL PAGING
J MICHAEL RAYMOND
1420 KANAWHA BLVD E
CHARLESTON WV 25301**

Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	152.48000	FB6C	1	20K0F9W	350.000	350.000	940	115	38-22-36	081-42-09
	152.48000	FB6C	1	20K0F1D	350.000	350.000				
				20K0F3E						
				20K0F2D						
2:	152.48000	FB6C	1	20K0F9W	350.000	350.000	934	65	38-23-28	082-29-10
	152.48000	FB6C	1	20K0F1D	350.000	350.000				
				20K0F3E						
				20K0F2D						
TRANSMITTER STREET ADDRESS							CITY		COUNTY	STATE
1: 800 BLK NEASE DR 900 N 7TH AVE							CHARLESTON		KANAWHA	WV
2: 1.5 MI S OF HUNTINGTON AIRPORT							HUNTINGTON		CABELL	WV
PAINTING AND LIGHTING SPECIFICATIONS										
SITE 1: SEE ATTACHED FORM 715/715A PARAGRAPHS: 1 3 11 21										
CONTROL POINTS:1420 KANAWHA BLVD CHARLESTON WV										
CONTROL POINT PHONE: 304-345-3792										
STATION CLASS SUFFIX C = INTERCONNECT										
STATION CLASS SUFFIX J = TEMPORARY WITH INTERCONNECT										
STATION CLASS SUFFIX K = STAND-BY WITH INTERCONNECT										
STATION CLASS SUFFIX L = ITINERANT WITH INTERCONNECT										
EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S)										
SET OUT IN PART 2 OF THE COMMISSION'S RULES.										

PAGE 1 OF 1



**FEDERAL
COMMUNICATIONS
COMMISSION**

This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTION: 800 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within one year.

000003

RADIO STATION LICENSE

Licensee Name: CAPITOL RADIO TELEPHONE INC

DBA CAPITOL PAGING

Radio Service: IB BUSINESS

Call Sign: WNWW636

File Number: 9106031005

License Issue Date: 910719

License Expiration Date: 960719

Frequency Advisory No: 911020107

Number of Mobiles by Category: Vehicular - ***** Portable - ***** Aircraft - ***** Marine - ***** Pagers *****

910719N 1061 1 1Z

CAPITOL RADIO TELEPHONE INC DBA

CAPITOL PAGING

J MICHAEL RAYMOND

1420 KANAWHA BLVD E

CHARLESTON

WV

25301

LINK

Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	460.72500	FX2	1	20K0F3E	40.000	288.000	940	283	38-22-36	081-42-09
TRANSMITTER STREET ADDRESS						CITY			COUNTY	STATE
1:	800 BLK NEASE DR 900' N 7TH AVE				CHARLESTON				KANAWHA	WV
PAINTING AND LIGHTING SPECIFICATIONS										
SITE 1: SEE ATTACHED FORM 715/715A PARAGRAPHS: 1 3 11 21										
CONTROL POINTS:1420 KANAWHA BLVD CHARLESTON WV										
CONTROL POINT PHONE: 304-345-3792										
EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S) SET OUT IN PART 2 OF THE COMMISSION'S RULES.										

PAGE 1 OF 1



FEDERAL
COMMUNICATIONS
COMMISSION

This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTION: 800 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within one year.

000004

RADIO STATION LICENSE

Licensee Name: CAPITOL RADIOTELEPHONE COMPANY INC

DBA CAPITOL PAGING

Radio Service: IB BUSINESS

License Issue Date: 920123

Call Sign: WNSX646

File Number: 9112045862

License Expiration Date: 970123

Frequency Advisory No: 913290188

Number of Mobiles by Category: Vehicular - ***** Portable - ***** Aircraft - ***** Marine - ***** Pagers **2000*

920123M 535 1 1Z

CAPITOL RADIOTELEPHONE COMPANY INC DBA

CAPITOL PAGING

J MICHAEL RAYMOND

1420 KANAWHA BLVD E

CHARLESTON

WV

25301

Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	152.48000	FB6	1	20K0F1D	350.000	350.000	860	150	38-25-17	082-23-47
2:	152.48000	FB6	1	20K0F1D	350.000	350.000	940	115	38-22-36	081-42-09
TRANSMITTER STREET ADDRESS							CITY		COUNTY	STATE
1: ROTARY PARK ANTENNA FARM E							HUNTINGTON		CABELL	WV
2: 800 BLK NEASE DR 900N OF 7TH AVE							CHARLESTON		KANAWHA	WV
PAINTING AND LIGHTING SPECIFICATIONS										
SITE 1: SEE ATTACHED FORM 715/715A							PARAGRAPHS:	1	3	11 21 22
SITE 2: SEE ATTACHED FORM 715/715A							PARAGRAPHS:	1	3	11 21
CONTROL POINTS:539 9TH ST HUNTINGTON WV										
CONTROL POINT PHONE: 304-523-1200										
EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S)										
SET OUT IN PART 2 OF THE COMMISSION'S RULES.										

PAGE 1 OF 1



FEDERAL
COMMUNICATIONS
COMMISSION

This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTION: 800 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within one year.

000005

RADIO STATION LICENSE

Licensee Name: CAPITOL RADIO TELEPHONE INC

DBA CAPITOL PAGING

Radio Service: IB BUSINESS

License Issue Date: 920723

Call Sign: WNW636

File Number: 9206062836

License Expiration Date: 970723

Frequency Advisory No:

Number of Mobiles by Category: Vehicular - ***** Portable - ***** Aircraft - ***** Marine - ***** Pagers *****

920723M 545 1 1Z

CAPITOL RADIO TELEPHONE INC DBA
CAPITOL PAGING
J MICHAEL RAYMOND
1420 KANAWHA BLVD E
CHARLESTON WV 25301

Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Eleva	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	460.72500	FX2	1	20K0F3E	90.000	250.000	1050	195	38-23-36	081-53-31
TRANSMITTER STREET ADDRESS						CITY			COUNTY	STATE
1:	1/2 MI SE OF US 60 ON RUSSELL RD					SAINT ALBANS			KANAWHA	WV
CONTROL POINTS:1420 KANAWHA BLVD CHARLESTON WV										
CONTROL POINT PHONE: 304-345-3792										
ADMIN NOTE: SEE ATTACHED #14										
EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S) SET OUT IN PART 2 OF THE COMMISSION'S RULES.										

PAGE 1 OF 1



FEDERAL
COMMUNICATIONS
COMMISSION

This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTION: 800 MHz trunked and certain 900 MHz station licenses cancel automatically if not constructed within one year.

000000

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554
July 30, 1992

ORIGINAL

In Reply Refer To:
7320-13/91186
217XX0007

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

Capitol Radiotelephone Inc.
d.b.a. Capitol Paging
1420 Kanawha Blvd. E.
Charleston, West Virginia 25301

Dear Licensee:

This letter is a Notice of Apparent Liability (NAL) for a monetary forfeiture under Section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b). Capitol Radiotelephone Inc. d.b.a. Capitol Paging (Capitol) appears to have incurred liability of \$20,000 for its apparently willful and repeated violation of Section 333 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 333, and Sections 90.403(e), 90.405(a)(3) and 90.425(b)(2) of the Commission's Rules, 47 C.F.R. §§ 90.403(e), 90.405(a)(3) and 90.425(b)(2). Section 333 of the Act states: "No person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government." Section 90.403(e) of the Rules states: "Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference." Section 90.405(a)(3) of the Rules states: "(a) Stations licensed under this part may transmit only the following types of communication: (3) Communications for testing purposes required for proper station and system maintenance. However, each licensee shall keep such tests to a minimum and shall employ every measure to avoid harmful interference." Section 90.425(b)(2) of the Rules states: "(b) Use of automatic Morse code identification equipment. Automatically activated equipment may be used to transmit station identification in International Morse Code pursuant to the following conditions: (2) The Morse code transmission rate shall be maintained between 20 and 25 words per minute."

These determinations are based on your apparent operation of private carrier paging (PCP) station WNSX-646 on August 12, 13, 14 and 15, 1991. On those dates, Capitol appears to have willfully caused station WNSX-646 to repeatedly transmit on the frequency 152.48 MHz in the Charleston, West Virginia and Huntington, West Virginia areas in a manner that caused harmful interference to the transmissions of PCP station WNJN-621. These transmissions may also have caused harmful interference to the transmissions of PCP station WNLM-930.

000001

Federal Communications Commission

Docket No. 93-231 Exhibit No. Cable

Presented by Cable

FEB 02 1994

Identified

Disposition

Received

Rejected

Reporter

Date

FEB 02 1994

* NOT OFFERED

It appears that all or almost all of the transmissions that caused harmful interference on August 12, 13, 14 and 15, 1991 were not for the purpose of conveying actual pages for subscribers. Capitol characterizes all or most of the transmissions that caused harmful interference on August 12, 13, 14 and 15, 1991 as test transmissions. It appears, however, that even if these transmissions were putatively test transmissions, they were primarily intended to cause harmful interference. It further appears that Capitol did not take steps to monitor the frequency 152.480 MHz for communications in progress before transmitting to assure that it did not interfere with those communications. Nor does it appear that Capitol took any other measures necessary to minimize the potential for causing interference.

Additionally, it appears that these "test" transmissions were not kept to a minimum and did not employ sufficient measures to avoid harmful interference. It further appears that an element of failure to keep "test" transmissions to a minimum included transmission of Morse code identification of station WNSX-646 at a rate of approximately seven (7) words per minute (wpm), instead of the required twenty (20) to twenty-five (25) wpm.

It further appears that each of the violations of the Rules and the Act specified above involved egregious misconduct because: (1) the transmissions of station WNSX-646 on these dates were not apparently for the purpose of conveying actual pages for subscribers; (2) the "test" transmissions of station WNSX-646 on these dates had no apparent legitimate "testing" purpose; and (3) a co-channel PCP licensee suffered the harmful interference caused by Capitol, and Capitol, as the primary paging competitor (both as a common carrier and private carrier paging licensee) to this entity in these markets, stood to gain the most from such harmful interference. It also appears that these violations were repeated, occurring on August 12, 13, 14 and 15, 1991.

This NAL is based upon evidence adduced from the following sources:

(1) monitoring of the transmissions of station WNSX-646 by Commission personnel from the Baltimore Field Office using a Commission mobile unit and hand-held equipment and employing sophisticated direction-finding techniques; (2) inspection of station WNSX-646 by Commission personnel; (3) complaints of interference received from station WJN-621; and (4) Capitol's June 17, 1992 response to our letter of May 19, 1992.

Your total apparent liability to monetary forfeiture was arrived at based upon the Commission's Policy Statement, In re Standards for Assessing Forfeitures, 6 FCC Rcd 4695 (1991), (Policy Statement) which prescribes base forfeiture amounts and upward and downward adjustment criteria that may be applied to base forfeiture amounts, and by applying the provisions of Section 0.331(a)(9) of the Rules, 47 C.F.R. § 0.331(a)(9), concerning authority delegated to the Chief, Private Radio Bureau, regarding forfeiture amounts.

The Policy Statement prescribes a base forfeiture amount of \$7,000 for each single day of a continuing violation of "malicious interference" by a Private Radio Bureau licensee. This violation category includes your apparent violation of Section 333 of the Act. This results in a total base forfeiture amount of \$28,000 for all four days (August 12, 13, 14 and 15, 1991).¹ Your apparent egregious misconduct results in application of an upward adjustment of 50% for an adjusted total forfeiture of \$42,000 for apparent violation of Section 333 of the Act.

The Policy Statement prescribes a base forfeiture amount of \$1,000 for each single day of a continuing violation of "failure to make required measurements or conduct required monitoring." This violation category includes your apparent violation of Section 90.403(e) of the Rules. This results in a total base forfeiture amount of \$4,000 for all four days. Your apparent egregious misconduct results in application of an upward adjustment of 50% for an adjusted total forfeiture of \$6,000 for apparent violation of Section 90.403(e) of the Rules.

The Policy Statement prescribes a base forfeiture amount of \$500 for each single day of a continuing violation in the case of "miscellaneous violations." This violation category includes your apparent violations of Sections 90.405(a)(3) and 90.425(b)(2) of the Rules. This results in a total base forfeiture amount of \$2,000 for all four days for each apparent rule violation, respectively. Your apparent egregious misconduct results in application of an upward adjustment of 50% for an adjusted total forfeiture of \$3,000 for each rule section, or a total of \$6,000 for apparent violation of Sections 90.405(a)(3) and 90.425(b)(2) of the Rules.

The total forfeiture amount for your apparent violations of the Act and the Rules would therefore be \$54,000 before application of the provisions of Section 0.331(a)(9) of the Rules. This Section of the Rules provides the Chief, Private Radio Bureau, delegated authority to issue NALs only for amounts that do not exceed \$20,000. Because this NAL is being issued by delegated authority, your total apparent liability for forfeiture must be adjusted downward to \$20,000.

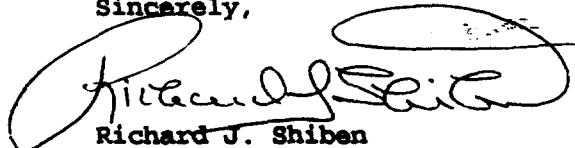
Thus, your total apparent liability for monetary forfeiture is \$20,000. Although this NAL is not a final determination of liability, failure to respond on your part coupled with no additional information before us would result in issuance of a \$20,000 Notice of Forfeiture, which would be a final

¹ On each single day of each of these apparent repeated violations, the violations that occurred were the result of individual, separate and discrete acts, albeit repeated acts of a similar nature. This is why, for each violation of the Act or Rules, we have applied a separate base amount for each day. Because we have chosen this course, we are not applying the upward adjustment criterion for repeated or continuous violations.

determination. You may respond affirmatively in either of two ways. You may send payment of \$20,000 to the Chicago, Illinois, address specified below, or you may send a detailed rebuttal statement of facts and reasons to the Washington, D.C. address specified below.

You should respond to this NAL within thirty days of your receipt of this letter. Failure to respond within thirty days of receipt of this letter will result in issuance of a \$20,000 Notice of Forfeiture, unless additional information warranting a different result is independently brought to the attention of the Commission.

Sincerely,



Richard J. Shiben
Chief, Land Mobile and
Microwave Division
Private Radio Bureau

Send payment to:

Federal Communications Commission
Post Office Box 73482
Chicago, IL 60673-7482

(place the number 217XX0007 on your remittance)

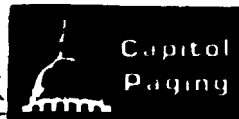
Send any rebuttal statement to:

Federal Communications Commission
Private Radio Bureau
Land Mobile and Microwave Division
Compliance Branch, Attention: Case No. 91186
Washington, D.C. 20554

Copy to: Kenneth E. Hardman, P.C.
1255 23rd Street, N.W., Suite 800
Washington, D.C. 20037

000004

Capitol Paging Corporate Office
1420 Kanawha Boulevard, East
Charleston, WV 25301
(804) 345-3792



Beckley
Huntington
Parkersburg
Logan

PAGER PICKUP AGREEMENT

3 ORIGINAL

BILLING INFORMATION: (Full Address Required) (Please Print)

NAME: Rax Restaurant
ADDRESS: 1740 Arlington Blvd. Hunt W.Va 25705
CITY STATE ZIP
AUTHORIZED BY: Chris Paddock
NAME PHONE OCCUPATION

CUSTOMER INFORMATION:

NAME: Paddock Chris
LAST FIRST MIDDLE
ADDRESS: 5 AME
CITY STATE ZIP
PHONE: 583-6543 736-0661
HOME WORK
DRIVERS LICENSE No.: E500799 W.Va 4-25-71
STATE TYPE
SOCIAL SECURITY No.: 833-15-3043
INFORMATION LISTED ABOVE CURRENT IN PHONE DIRECTORY? ☒ YES ☐ NO
COMPANY: Rax Inc. Blk Maintenance 1 year
NAME OCCUPATION DATE EMPLOYED
NEAREST RELATIVE: William Paddock 6359 736-0503
RELATIONSHIP PHONE No.

CREDIT REFERENCES

Name of Creditor	Account Number	Original Balance	Present Balance	Carried in Name of
<u>1st Hunt Natl</u>				<u>Chris Paddock</u>

TERMS OF AGREEMENT

The terms of this agreement are completely described in our tariff on file with the Public Service Commission of West Virginia. A copy of that document is available for inspection at our office during regular office hours.

Consent for the paging units is not automatically provided; it is your responsibility to either insure this equipment against loss and damage, or pay the replacement value should loss or damage occur. A portion of this insurance is available for an additional \$ per unit per month. This covers your pager if lost or stolen. (There is a \$40.00 deductible.)

☐ Yes I want protection ☒ No I do not want protection

Use or possession of paging equipment that is not being paid for on a regular basis has been deemed to constitute theft of service from a public utility which, upon notification can initiate fines up to \$10,000 and/or incarceration for up to 90 days.

Payment will be sent out on the first of each month. Payment is due by the 15th of each month. If payment is not received on due date service will be terminated. A \$25.00 re-connection fee may be applied. If I am in default you can demand immediate payment of the unpaid balance plus any interest that is due without giving anyone other notice. You may also take any action permitted by any contract agreement I have signed or by law.

Responsibility for this equipment is your and your firm's until such time that it is returned to us in the same condition as when received. Your signature below verifies that equipment was in good condition when received. Failure to promptly return equipment or surrender it upon request constitutes theft and will result in immediate legal action against you and/or your firm.

From the time of this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

As an individual, and as a representative of my firm, I hereby authorize Capitol Pager or any credit bureau or other investigative agency employed by them, to investigate any information listed herein or obtained from me or any other person pertaining to my and/or my firm's financial responsibility. Intending that you shall rely upon my statement herein, I hereby certify to you that the foregoing information is true and complete. I understand the full terms and conditions of this agreement, and that it was binding on me and/or my firm. I agree (1) that this contract includes the information on the reverse side of this page; and (2) that I read and the Buyer first signed before receiving a copy of this contract with all terms listed in before I signed it.

CUSTOMER'S SIGNATURE (REQUIRED)

DATE

DATE	DATE REQUIRED	P.O.	SALESPERSON	SHIP VIA
<u>3-29-91</u>	<u>5-1-91</u>		<u>9</u>	<u>RAH</u>
QUANTITY	STOCK NO.	DESCRIPTION	PRICE	AMOUNT
<u>1</u>	<u>8536</u>	<u>CE-800 CO2948</u>	<u>10.00</u>	<u>27.50</u>
<u>1</u>	<u>61</u>	<u>Text</u>		<u>2.00</u>
		<u>Tring PCPS system down</u>		<u>1.00</u>
		<u>like now trying w/it.</u>		<u>10.00</u>
				<u>30.50</u>

OFFICE USE ONLY

DL

SF

PN

CB

BK

MA

SEE OTHER SIDE FOR IMPORTANT INFORMATION

000001

Federal Communications Commission

Docket No. 93-231 Exhibit No. Cap 17

Presented by Capital

Disposition { Identified FEB 02 1994
Received ✓ 2/4/94
Rejected _____

Reporter A. Wilmer

Date FEB 02 1994

ACT. 62651

SALES ORDER

24128

CAPITOL RADIO TELEPHONE COMPANY, INC.

1420 KANAWHA BLVD., EAST

CHARLESTON, WV 25301

(304) 346-3702

01-20

Prav. Rečavski

DATE	QUANTITY	DATE REQUIRED 6-4-91	CURT. ORDER NO.	TAX EXEMPT NO.	TERMS	F.O.B.	SALESPERSON	SHIP VIA
		STOCK NO.	DESCRIPTION				PRICE	AMOUNT
-1	0036	002898						-27.50
-1	47	protection						-2.00
-1	61	tax						-1.00
			he tried the PCP then went digital					
			16 o/b w/a \$0.00 balance					
			I forgot to do a return					
MOORE RETL		PAYD OUT	PAID BY	CASH	C.O.D.	RECEIVED BY	TOTAL	END
				<input type="checkbox"/>	<input type="checkbox"/>			

**THIS SLIP MUST ACCOMPANY
ALL CLAIMS AND RETURNED GOODS**

Thank You

000002

ORIGINAL

DECLARATION OF DONALD J. VASEK

Donald J. Vasek hereby states under penalty of perjury as follows:

My name is Donald J. Vasek and I am Assistant Director, Operations, of the National Association of Business and Educational Radio, commonly referred to as "NABER". NABER is the FCC recognized frequency coordinator for private carrier paging systems, and I was responsible for supervising and managing NABER's frequency coordination function for the latter portion of 1989 and during 1990. NABER's records show that the initial private carrier paging system application by Capitol Radiotelephone Company Inc. d/b/a Capitol Paging ("Capitol") on 152.48 MHz for Charleston and Huntington, West Virginia, was coordinated on March 22, 1990 in File No. 893520214 and then forwarded to the FCC for processing and grant of a radio station license.

Attached to this declaration are true copies of written communications in NABER's files which were sent to or received by NABER in the ordinary course of business in connection with or related to the coordination of Capitol's application. Those written communications are identified below.

1. Letter dated 1/30/90 to Sheldon Stept, NABER, from Frederick M. Joyce, Joyce & Jacobs
2. Letter dated 2/06/90 to Gloria Watson, NABER, from Calvin R. Basham, Communication Service, Inc.
3. Letter dated 2/13/90 from Gloria Watson, NABER, to 152.48 MHz licensees

000001

Federal Communications Commission

Docket No. 93-231 Exhibit No. Cap 18

Presented by Capital

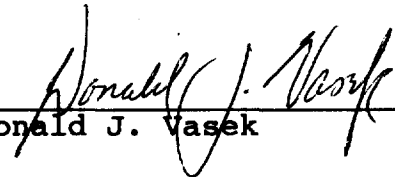
Disposition { Identified FEB 02 1994
Received ✓ 02/04/94
Rejected _____

Reporter A. Wahner

Date FEB 02 1994

4. Letter dated 2/20/90 to Gloria Watson, NABER, from Frederick M. Joyce, Joyce & Jacobs
5. Letter dated 2/21/90 to Gloria Watson, NABER, from D Tucker, T & T Communications
6. Letter dated 2/23/90 to Gloria Watson, NABER, from Frederick M. Joyce, Joyce & Jacobs, including four pages of attachments to the letter
7. Letter dated 4/03/90 to Gloria Watson, NABER, from Frederick M. Joyce, Joyce & Jacobs
8. Letter dated 8/28/90 from Frederick M. Joyce, Joyce & Jacobs, to David Whalin, Office of Congressman Perkins
9. Letter dated 9/19/90 from Gloria Perrin, NABER, to Robert Moyer, Jr., RAM Page
10. Letter dated 10/02/90 to Gloria Perrin, NABER, from A. Dale Capehart, RAM Page

Executed this 14TH day of January, 1994.



Donald J. Vasek

JOYCE & JACOBS

FEB 02 1990

ATTORNEYS AT LAW

2300 M STREET, N.W.

EIGHTH FLOOR

WASHINGTON, D.C. 20037

(202) 457-0100

January 30, 1990

FACSIMILE

(202) 457-0186

MARYLAND OFFICE
CHEVY CHASE METRO BUILDING
TWO WISCONSIN CIRCLE
SEVENTH FLOOR
CHEVY CHASE, MD 20815

VIA FEDERAL EXPRESS

Mr. Sheldon Stept
National Association of
Business & Educational Radio
1501 Duke Street
Alexandria, VA 22304

RE: PCP Frequency 152.48 MHz
Ashland, KY, et al.

Dear Mr. Stept:

On behalf of RAM Technologies, Inc., a licensee of Private Carrier Paging facilities, Call Signs WNNJ 621, et al., (FCC license authorizations are attached hereto for your convenience) on the 152.48 MHz frequency throughout various locations in Kentucky, Ohio, and West Virginia, enclosed for your consideration you will please find a traffic loading study conducted January 25, 1990 for RAM's licensed operations. This study reveals that the 152.48 MHz channel, at the busy hour of operation, is now loaded to 91% of its capacity.

In addition, attached hereto is a graph depicting RAM Technologies' monthly growth in terms of number of pagers activated on the 152.48 MHz frequency. RAM has placed over 4800 pagers in service, though it has been on the air only since May of 1989. Moreover, RAM has been activating new pagers at the rate of approximately 400 to 500 per month. Based on this recent activation history, RAM conservatively anticipates that it will continue to add new pagers at this rate per month through the end of 1990. Consequently, RAM estimates that by May or June of this year, even without accounting for co-channel licensee growth, the 152.48 MHz frequency will be occupied during the busy hour approximately 95% to 100% of the time. If growth trends continue at this pace, RAM will have to begin migrating its voice-only pagers to digital paging to accommodate this demand.

RAM's traffic data for its entire wide-area system, was measured from its Ashland, KY transmitter site, which is the hub of RAM's system. Because RAM handles paging traffic on the subject frequency throughout a three-state area, interference-free coordination of RAM's service with any new co-channel licensees would be extremely difficult, if not impossible, to achieve at these traffic levels. Moreover, any coordination decision concerning the 152.48 MHz frequency should account for the fact that RAM's wide-area system provides customers with better PCP service, while promoting spectral efficiency (Attached hereto is a coverage map, and a transmitter location map, depicting RAM's wide-area service. As indicated, RAM provides service throughout the Charleston and Huntington SMSAs, as well as several adjacent RSAs.).

000003

Mr. Sheldon Stept
January 30, 1990
Page 2 of 2

In light of the exceptional rate at which new subscribers have been signing on to RAM's system in only its first nine months of operation, RAM is also concerned that there be sufficient airtime available to meet projected short and long term expansion of its subscriber base. RAM's ability to avoid blocked pages and interference between its own subscribers would be jeopardized by the addition of another carrier on the 152.48 MHz frequency.

RAM has surveyed the FCC's frequency databases and has determined that, outside of the 152.48 MHz frequency, there are numerous frequencies available for paging services throughout RAM's services areas. For instance, there are approximately 11 Private Radio frequencies, and over 25 Radio Common Carrier frequencies available that could be used for paging service throughout RAM's Tri-State service areas.

In short, due to current and projected traffic levels on the 152.48 MHz frequency, the difficulty of coordinating RAM's wide-area system with another co-channel licensee, and the ready availability of many other frequencies for paging service, applications for new PCP facilities in RAM's service areas should be coordinated on a frequency other than 152.48 MHz.

It is sincerely hoped that NABER will give these facts close consideration before making any decision concerning the coordination of new carriers on the 152.48 MHz frequency. The facts indicate that another carrier could not be authorized on this frequency without causing harmful co-channel interference to incumbent licensees, and thereby degrading the high quality service now provided to over four thousand paging units.

Thank you very much for your attention to this matter. Should you have any questions in this regard, please do not hesitate to contact me.

Sincerely,


Frederick M. Joyce
Counsel for RAM TECHNOLOGIES, Inc.

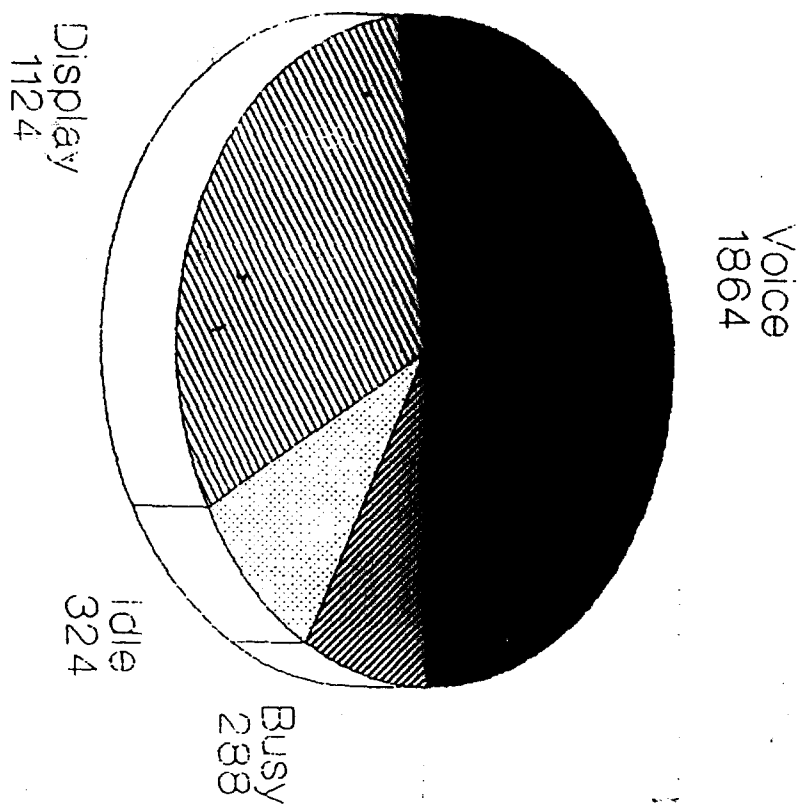
FMJ:est
enclosure

cc: Robert A. Moyer, Jr., Pres.

000004

1-29-90

Channel Usage by Pager Type



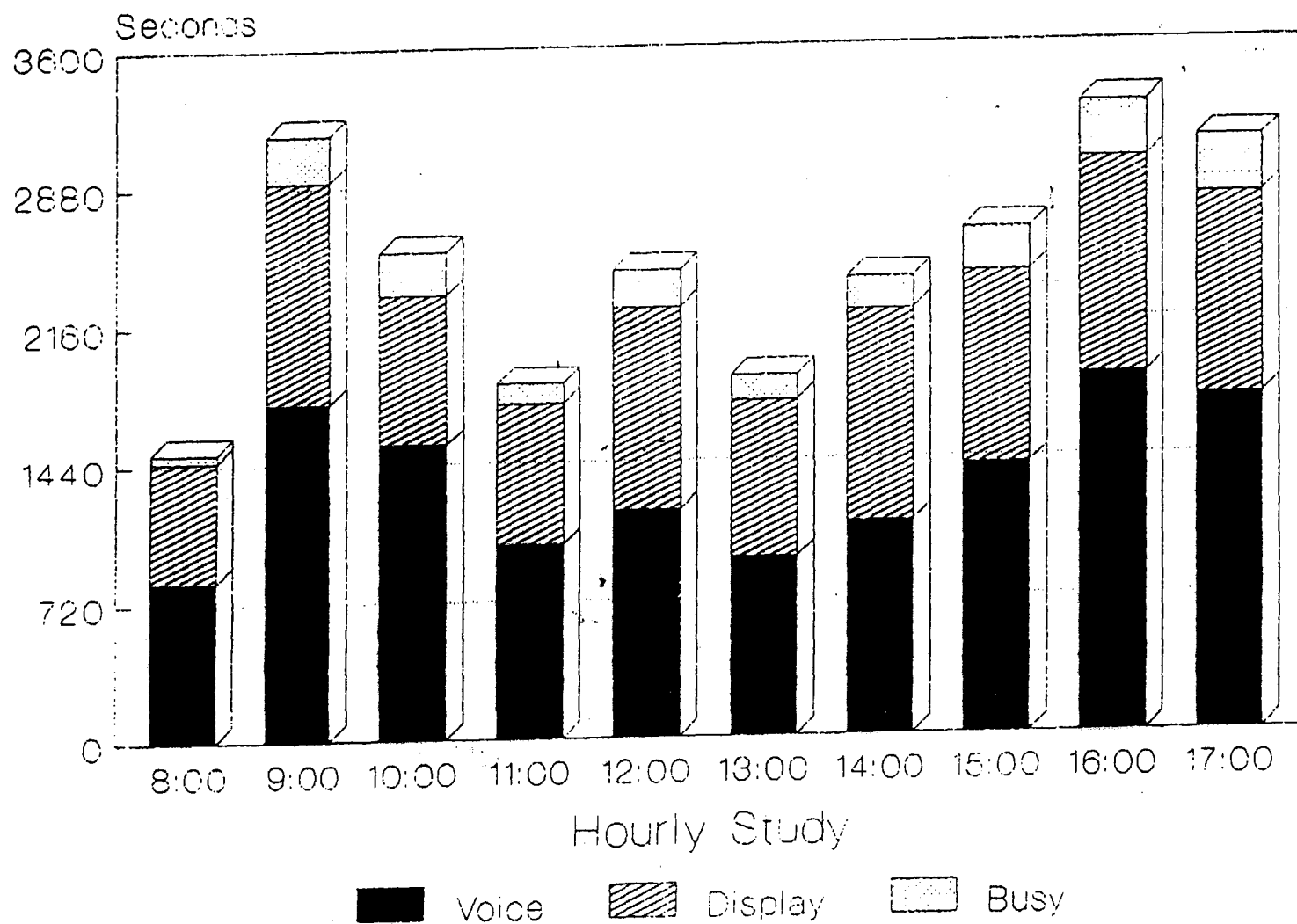
Busy Hour: 15:00 - 16:00 01-25-90

RAM-Page

000005

1-29-90

Traffic Study



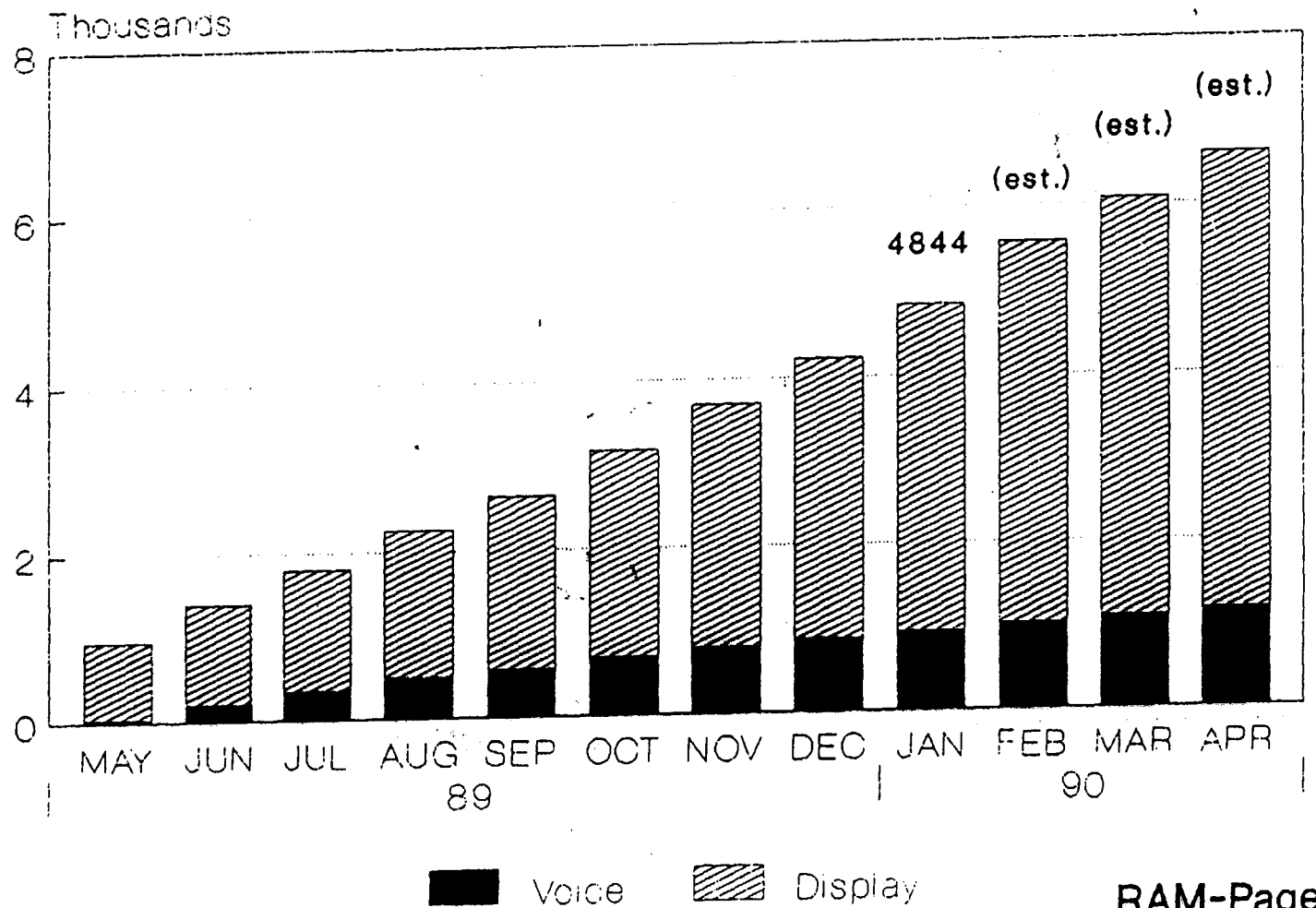
Hour	Usage			Total Usage	Utilization			Total Channel Utilization
	Voice	Display	Busy		Voice	Display	Busy	
8:00	840	620	45	885	0.233	0.172	0.013	41.81%
9:00	1755	1154	248	2003	0.488	0.321	0.069	87.69%
10:00	1540	779	227	1767	0.428	0.216	0.063	70.72%
11:00	1016	730	104	1120	0.282	0.203	0.029	51.39%
12:00	1184	1055	195	1379	0.329	0.293	0.054	67.61%
13:00	935	811	131	1066	0.260	0.225	0.036	52.14%
14:00	1110	1106	164	1274	0.308	0.307	0.046	66.11%
15:00	1401	1064	229	1630	0.389	0.279	0.064	73.17%
16:00	1864	1124	288	2152	0.518	0.312	0.080	91.00%
17:00	1740	1054	291	2031	0.483	0.293	0.081	85.69%

1-24-90

000007

Pagers on System

Shown By Type



**COMMUNICATION
SERVICE, INC.**

4009 West Washington Street
Charleston, West Virginia 25313
(304) 744-8613
In WV 1-800-622-2187

February 6, 1990



National Association of Business and Educational Radio
1501 Duke Street
Alexandria, VA 22314

Attention: Ms Gloria Watson:

This letter is a follow up of our telephone conversation of this date concerning users of the Business Radio Frequency of 152.480 MHz.

We would appreciate your forwarding a listing of all licensed users within a 100 mile radius of 81-39-38 W and 38-19-47 North.

We are experiencing considerable interference to our system with the call sign of WNLM930. The main offending station operates with the call sign of WNJN621 which is transmitted by International Morse code at a speed in excess of 30 words per minute.

This transmitter is located in Charleston, WV and licensed in the name of Ram-Page, Ram Communications, Inc. (RAM for Robert A. Mowyer). I do not know the exact name on the license.

This station is linked with a paging terminal in Huntington, WV with is approximately 50 miles to the west. All pages are transmitted twice and continues to transmit pages regardless of co-channel operation by others.

Most of the pages transmitted by this station are for users in the vicinity of Huntington, WV.

Also a number of individuals having pagers called by this system are not eligible for licenses in the Business Radio Service.

We would appreciate the frequency list to enable us to take the necessary corrective action with the Federal Communications Commission.

Thanking you in advance, we are,

Very truly yours,

COMMUNICATION SERVICE, INC.


Calvin R. Basham



National Association of Business and Educational Radio

FEB 10 1990

1501 Duke Street
Alexandria, VA 22314
703-739-0300
1-800-759-0300

Date: February 13, 1990

Re: Notice to paging co-channel licensees

Frequency: 152.480 MHz

NABER Control Number: 893520214

Dear Paging Licensee:

We have recently received a coordination request from Capital Paging proposing a new station in Charleston, Huntington WV too keep licensees in the paging industry better informed, NABER is notifying co-channel licensees in close proximity to the newly proposed station.

As you may know, all Business Radio frequencies are assigned on a shared basis, unless otherwise specified by FCC Rule Section 90.173 (a). In the case of paging frequencies, there are no exclusions to this sharing requirement.

In order to co-exist, FCC Rule Section 90.403 (e) states:

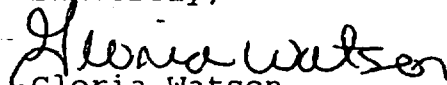
Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference.

Monitoring can be either manual or automatic. The parameters of such systems are governed by FCC Section 90.473 and 90.475. NABER encourages licensees to link their systems together to minimize interference where appropriate. In addition to protecting the base stations, the receivers need to be protected from one another and can be accomplished by coordinating tone codes with other licensees in your area.

Mutual cooperation and respect among licensees will increase the effectiveness of all systems. If you have any substantive comments of technical information that would be helpful to us, please send it to me promptly.

Thank you for your understanding and cooperation.

Sincerely,


Gloria Watson
Coordination Services

000010